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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,773	12/26/2001	James H. Kerr SR.	P1499USA	5870
24998	7590	12/31/2007		
DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403			EXAMINER PARDO, THUY N	
			ART UNIT 2168	PAPER NUMBER
			MAIL DATE 12/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/025,773

Applicant(s)

KERR, JAMES H.

Examiner

Thuy N. Pardo

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 5-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 12, 2007 has been entered. Claims 2 and 4 are canceled and claims 1, 3, 19-21 are amended. This Office Action is made Non-Final.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. As to claim 1, Elliot teaches the invention substantially as claimed, comprising:

A physical asset [a person, a child, ab; 12 of fig. 1];

transmitter, attached to the physical asset for transmitting a first data [a device worn by the child may transmit its signal, col. 5, lines 13-20];

a communication means for receiving the first data signal and transmitting a second data signal, the second data signal comprising a location of the transmitter [a central receiver-transmitter 16 will be available to receive the device's signal transmission, col. 5, lines 40-43]; and

a receiving means for receiving the second data signal from the communication means via a world wide web connection and for housing a software program for enabling a user to track the physical asset [col. 5, lines 40-45; col. 5, lines 21 to col. 7, lines 25].

As to claim 5, Elliot teaches the invention substantially as claimed. Elliot further teaches manipulating the stored status signal by using the personal computer to generate, save and print reports [col. 14, lines 5-10].

As to claims 6, Elliot teaches the invention substantially as claimed. Elliot further teaches outputting a status symbol representing the status signal [col. 10, lines 7-17].

As to claims 7-9, Elliot teaches the invention substantially as claimed, with the exception of outputting a red status symbol if the physical asset is not in a proper location, a green status symbol if the physical asset is in a proper location, and yellow status symbol if the physical asset is detected in a location, but the location is not a proper location. However, these features are only a matter of a design choice and are well-applied in many exclusive operations. Elliot also teaches determine data signal includes a data value which indicates an emergency status [see col. 11, lines 5-9].

As to claim 19, Elliot teaches the invention substantially as claimed. Elliot further teaches a computer network; at least one server in communication with the computer network [fig. 3; col. 7, lines 1-15]; a storage device for storing information [databases 26, 40 of fig. 3], tracking location of the item via World Wide Web connection and housing a software program for enabling a user to track the physical asset [col. 9, lines 17-27].

As to claim 10, Elliot teaches the invention substantially as claimed. Elliot further teaches the communication means comprises a personal computer [parent's computer, col. 7, lines 1-15].

As to claim 11, Elliot teaches the invention substantially as claimed. Elliot further teaches that receiving means comprises a personal computer [fig. 3; col. 6, lines 17-20].

As to claim 12, Elliot teaches the invention substantially as claimed. Elliot further teaches the receiving means generates, saves and prints reports based on the second status signal [col. 14, lines 5-10].

As to claims 3, 13-16, 19-21, all limitations of these claims have been addressed in the analysis above, and these claims are rejected on that basis.

As to claim 17, Elliot teaches the invention substantially as claimed. Elliot further teaches a database for storing information about the first data signal [central control system receives the data signal and stores in the database 26, col. 6, lines 21-36].

As to claim 18, Elliot teaches the invention substantially as claimed. Elliot further teaches that the user has been granted exclusive access rights to the database and the user only gaining access by using a password or personal identification number [col. 7, lines 16-22].

As to claim 22, Elliot teaches the invention substantially as claimed. Elliot further teaches that the communication medium is the Internet [col. 6, lines 21-30].

Response to Arguments

3. Applicant's arguments with respect to claims 1, 3 and 5-22 have been considered but are moot in view of the new grounds of rejection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy N. Pardo whose telephone number is 571-272-4082. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thuy N Pardo
Primary Examiner
Art Unit 2168

A handwritten signature in black ink, appearing to read 'Thuy N. Pardo', with a stylized flourish at the end.

THUY N. PARDO
PRIMARY EXAMINER